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EXAMINER

EKPO, NNENNA NGOZI

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/522,444	Applicant(s) OHNUMA ET AL.	
	Examiner Nnenna N. Ekpo	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/28/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the remarks filed on June 09, 2008.

Response to Arguments

2. Applicant's arguments filed 06/09/2008 have been fully considered but they are not persuasive.

Information Disclosure Statement

3. The reference listed in the Information Disclosure Statement filed on April 28, 2008 has been considered by the examiner (see attached PTO-1449 form).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 1, 14, 16 and 17** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Second presenting means is new matter, Examiner has carefully read the disclosure and cannot find support for second presenting means. Examiner examines claim limitation as best understood.

6. Regarding newly added limitation to **claims 1 and 14**, Lawler et al. discloses second presenting means that, when the program information acquired by the first acquiring means satisfies the retrieval conditions acquired by the second acquiring means on the basis of a comparison result by the comparing means, presents a program that corresponds to the program information acquired by the first acquiring means (see cited portion, but not limited to col. 2, lines 23-28, col. 10, lines 29-58, col. 12, lines 29-col. 14, line 29).

7. Applicant's arguments with respect to **claims 1, 5-8 and 11-15** have been considered but are moot in view of the new ground(s) of rejection.

Lawler et al. discloses everything claimed in claims 1, 5-8 and 11-15. However, Lawler et al. fails to specifically disclose an escape keyword that is excluded from a title of the program or detailed information introducing contents of the program.

Berger (U.S. Patent No. 6,415,099) discloses an escape keyword that is excluded from a title of the program (see cited portion but, not limited to col. 4, lines 15-23, col. 14, lines 58-65) or detailed information introducing contents of the program.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lawler et al.'s invention with the above mentioned limitation as taught by Berger for the advantage of eliminating words not included in the description or title of a program.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-3, 5-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (U.S. Patent No. 5,805,763) in view of Berger (U.S. Patent No. 6,415,099).

Regarding **claims 1, 5, 6, 7 and 14**, Lawler et al. discloses an information processing apparatus, comprising:

presenting means (see fig 6) for presenting a plurality of program attribute names (love & war, Chicago hope, news etc.) comprising program attribute information concerning attributes of a program (see fig 6);

accepting means (see fig 6, record (130)) for accepting a selection of the program attribute information by a user based on the presented program attribute names (see col. 11, lines 23-31);

storing means for storing the accepted selection of program attribute information (see col. 2, lines 6-13);

first acquiring means (see fig 3 (102)) for acquiring broadcast program information concerning a program to be broadcast (see col. 8, lines 12-17);

second acquiring means for acquiring retrieval conditions for retrieving a program comprising the stored program attribute information (see col. 2, lines 23-28);

comparing means for comparing the acquired broadcast program information (particular program) and the acquired retrieval conditions (appropriate time) (see col.

13, lines 13-25, the system compares the particular program to be recorded with the time broadcasted, at the appropriate time, the program is recorded); and

second presenting means that, when the program information acquired by the first acquiring means satisfies the retrieval conditions acquired by the second acquiring means on the basis of a comparison result by the comparing means, presents a program that corresponds to the program information acquired by the first acquiring means (see cited portion, but not limited to col. 2, lines 23-28, col. 10, lines 29-58, col. 12, lines 29-col. 14, line 29).

However, Lawler et al. fails to specifically disclose an escape keyword that is excluded from a title of the program or detailed information introducing contents of the program.

Berger discloses an escape keyword that is excluded from a title of the program (see cited portion but, not limited to col. 4, lines 15-23, col. 14, lines 58-65) or detailed information introducing contents of the program.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lawler et al.'s invention with the above mentioned limitation as taught by Berger for the advantage of eliminating words not included in the description or title of a program.

Claim 6 is directed toward embodying the method of claims 1, 5 and 14 in "computer readable medium". It would have been obvious to embody the procedures of

Lawler et al. discussed with respect to claims 1, 5 and 14 in a “computer readable medium” in order that the instructions could be automatically performed by a processor.

Claim 7 (see rejection of claim 1, 5, 6 and 14). Claim 7 recites the additional limitation of a processor operable to execute instructions; and instructions for causing the processor to execute an information processing method (see col. 6, lines 7-13).

Regarding **claims 2 and 9**, Lawler et al. and Berger discloses everything claimed as applied above (*see claims 1 and 8*). Lawler et al. discloses an information processing apparatus wherein the program attribute names include at least one of foreign film, soap opera, rebroadcast drama, baseball, soccer, midnight vaudeville, melodramatic Japanese popular song, classical music, news (see fig 6, news), cooking, hot spring, or go/shogi (fig 6 teaches the program attribute name includes at least one of news).

Regarding **claims 3 and 10**, Lawler et al. and Berger discloses everything claimed as applied above (*see claims 1 and 8*). Lawler et al. discloses an information processing apparatus wherein the retrieval conditions includes at least one of a genre of a program (see fig 9 (This show, 144)), a day of week on which the program is broadcast (see fig 9 (Every Week, Every day, 146)), a time frame in which the program is broadcast, a length of the program, or a keyword included in a title of the program or in detailed information introducing contents of the program (see col. 12, lines 29-43 and

fig 9, teaches the retrieval conditions includes at least genre of a program and day of week).

Regarding **claim 16**, Lawler et al. and Berger discloses everything claimed as applied above (*see claim 1*). Lawler et al. discloses an information processing apparatus further comprising reserving means that reserves recording of the program presented by the second presenting means (see cited portion, but not limited to col. 12, lines 29-38).

Regarding **claims 17**, Lawler et al. and Berger discloses everything claimed as applied above (*see claim 1*). Lawler et al. discloses an information processing apparatus further comprising recording means that records the program presented by the second presenting means (see cited portion, but not limited to col. 12, lines 29-38, abstract).

Regarding **claims 8, 11, 12, 13, 15**, Lawler et al. discloses an information processing apparatus, comprising:

accepting means (see fig 1 (viewers station, 16)) for accepting an access request from another information processing apparatus (see fig 1 (head end, 12)) via a network (see fig 1 (network, 14)) (see col. 3, lines 28-44 and fig 1);

receiving means for receiving (see fig 1 (viewers station, 16)), from the another information processing apparatus (see fig 1 (head end, 12)), a transfer request for

transfer of program attribute information concerning attributes of a program to be reserved for recording (see col. 6, lines 57-col. 7, line 5 and fig 1), the program attribute information being used when a user of the another information processing apparatus (fig 1, head end (CMS, 32)) selects the program to be reserved for recording (see col. 4, lines 23-34); and

transmitting means for transmitting the program attribute information to the another information processing apparatus via the network the program attribute information including program attribute names and retrieval conditions for retrieving a program (see col. 12, lines 58-col. 13, line 52).

However, Lawler et al. fails to specifically disclose in which the retrieval conditions include an escape keyword that is excluded from a title of the program or detailed information introducing contents of the program.

Berger discloses in which the retrieval conditions include an escape keyword that is excluded from a title of the program (see cited portion but, not limited to col. 4, lines 15-23, col. 14, lines 58-65) or detailed information introducing contents of the program.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lawler et al.'s invention with the above mentioned limitation as taught by Berger for the advantage of eliminating words not included in the description or title of a program.

10. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (U.S. Patent No. 5,805,763) and Berger (U.S. Patent No. 6,415,099) as applied to *claim 1* above, and further in view of Otana (U.S. Patent No. 6,636,688).

Regarding **claim 4**, Lawler et al. and Berger discloses everything claimed as applied above (*see claim 1*). Lawler et al. discloses an information processing apparatus further comprising: receiving means (multiple viewer stations 16, which includes a recording device, 23) for receiving the program attribute information including the program attribute names and the retrieval conditions from another information processing apparatus (central head end, 12) via a network (network, 14) (see col. 3, lines 28-col. 4, lines 35, and fig 1, it is inherent that when the system recording tag is being transmitted to the user, the retrieval information is included).

However, Lawler et al. and Berger fails to specifically disclose wherein the presenting means presents the program attribute names included in the program attribute information received by the receiving means.

Otana discloses the presenting means (see fig 1 (TV receiver, 3)) presents the program attribute names (see fig 9, soccer, news etc.) included in the program attribute information received by the receiving means (recording list, (fig 1 (VCR, 1)) and col. 11, lines 25-31).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Lawler et al. and Berger's invention with the above mentioned limitation as taught by Otana for the advantage of displaying recorded/recording list from the recording medium.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne
September 17, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623